

**KASSON TOWNSHIP PLANNING
COMMISSION
SPECIAL USE PERMIT**

Permit issued to **Lively Holdings, LLC**

Tax Parcel Number: **007-030-003-50**

Date of Meeting: July 19, 2021

The property covered by this Special Use Permit is described as:

E 1/2 OF NW 1/4 OF NW 1/4 SEC 30 COM NW COR SD SEC & C/L EMPIRE
HWY (A/K/A HWY M-72) TH ALG SD C/L S 88 DEG 36'18" E 774.32 FT TO
POB TH CONT ALG SD C/L S 88 DEG 36'18" E 662 FT TH S 00 DEG 07'47" E
1317.29 FT TH N 88 DEG 33'55" W 662 FT TH N 00 DEG 07'49" W 1316.83 FT
TO POB TOG WITH EASE SEC 30 T28N R13W 19.2 A

3805 W. Empire Hwy., Empire, MI 49630 [19.2 acres][“Property”]

BACKGROUND REVIEW

Kasson Township Zoning Ordinance (“ZO”) Section 7.3 delegates to the Kasson Township Planning Commission (or “PC”) the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit (or “SUP”).

The Property, consisting of 19.2 acres, is located within a commercial zoning district (“CD”) which is governed by ZO Section 4.9.

The Property was previously granted certain approvals by the Planning Commission as discussed within the PC Minutes, dated February 19, 2001. The uses approved included 15 campsites and up to three outdoor concert events per year.

The applicant and owner Lively Holdings, LLC (“Applicant”) desires to add to, and expand, the uses on the Property.

A review of ZO Section 4.9 has shown that the proposed expanded uses requested do not conform with particularity to any of the enumerated permitted uses under ZO Section 4.9.1 or to any of the special land uses under ZO Section 4.9.2, but can be reviewed for possible approval under ZO Section 7.15 which states:

Land and structural uses that are not specified in any other section of this Ordinance, but, upon being applied for under the provisions of Chapter 7, may be considered by the Planning Commission as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

The PC has therefore undertaken a review of the Applicant's proposal under ZO Section 7.3 and ZO Section 7.15. and under the general SUP standards of ZO Chapter 7, including the Basis for Determination under ZO Section 7.7 along with the Conditions and Safeguards under ZO Section 7.8 under which more specific findings have been made within the formal General Findings of Fact which are incorporated by reference as **Exhibit A**.

Further, ZO Section 7.5. B. requires a SUP Application contain a Development Site Plan prepared in accordance with ZO Chapter 8, and ZO Section 8.4 grants to the PC the authority to review and approve, approve with conditions, or deny a Development Site Plan.

Reflective of the foregoing background and authority, the Planning Commission makes the following findings and determinations with respect to what the Applicant has characterized as **Phase 1** of its Application:

FINDINGS AND DETERMINATIONS

Phase 1 Approval

Site Plan Approval and Conditions

Pursuant to ZO Chapter 8 and Section 8.11, the Planning Commission approves the Applicant's "Backyard Burdickville" Site Plan, Page C1.2, with a revised date of May 19, 2021, prepared by Northview 22 ("Site Plan") for the Property for purposes of Phase 1 of the SUP. The Site Plan, attached as **Exhibit B**, is incorporated by reference into this approval. The following additional comments, conditions and features are added to the Site Plan:

Phase two exclusions.

Parts of the Site Plan designated as "Phase 2" are excluded.

Lansdcaping and trees

A. Parking / Roadways

Parking for a total of 37 parking sites and upgraded road improvements for Phase 1 is approved as shown on the Site Plan. Pursuant to ZO Section 6.8, four-foot deciduous shade trees with at least a 1 ½ inch caliper shall be placed around the parking area (one tree for every six (6) parking places). Gravel shall be placed on the parking area to support the parking and travel of cars, trucks, and emergency vehicles.

B. Trees at perimeter of site

The existing trees along the west perimeter of the Property shall be maintained. Deciduous or evergreen trees, at least three feet in height shall be placed along the west perimeter of the Property where there is a gap of more than 10 feet between existing trees. In the event that the existing trees located along the west perimeter of the property are lost, they shall be replaced by deciduous or evergreen trees, at least three feet in height so that the gap is no more than 10 feet wide between trees.

C. Performance guarantee

Pursuant to ZO Section 7.1.4 A, a performance guarantee in the amount of \$15,000.00 is required in relation to all of the infrastructure described site improvements within this document.

Campsites

The number of campsites shall be increased to 40 sites as shown on the Site Plan.

Signs, farm and retail markets

Any signage shall comply with ZO or other sign regulations. The Farm and Retail Market are approved pending any required additional local or state permits.

Easement deleted

The access easement identified as the “two track” on the Site Plan is deleted.

General Conditions and Approvals

Pursuant to ZO Section 7.8, the following conditions are applied to the Property:

Outdoor Concerts.

The Applicant is allowed up to **three** large outdoor concert events at the Property, with amplified outdoor music per year. This is essentially a continuation of the three events allowed by the PC pursuant to the February 19, 2001 PC Minutes. The **three** large outdoor concert events are further subject to conditions agreed to by the Applicant and by the Township Zoning Administrator

Tim Cypher as set forth in a Memo, dated January 30, 2020, attached as **Exhibit C**, which is incorporated by reference.

Quiet Hours and Music. Quiet hours for the Property shall be from 10 p.m. to 7 a.m. Sunday through Thursday and from 11 p.m. 7 a.m. Friday, Saturday and holidays. With respect to the campground sites, quiet hours means that the sounds are not audible beyond the borders of the individual campsites.

No outdoor (or indoor) amplified music is allowed other than for the three large outdoor concert events identified previously.

No combined- group acoustic music is allowed on the Property. This means acoustic music generated by a one or more musicians and intended for a collective audience including multiple members of the public at large and/or multiple campers on common areas of the Property. This restriction does not prohibit the use of a single acoustic instrument, such as a guitar, within and for an individual campsite.

Campfires. No campfires are allowed at such times as any local or state authorities have instituted a ban on outdoor burning.

Campground Management. The Applicant shall complete a permanent single-family structure on the Property in order to provide a location for an on-site manager within three years. In the interim, by the beginning of the 2022 camping season, the Applicant shall place a mobile home on the Property as defined in the Zoning Ordinance. and install an on-site manager during the camping season. The Applicant's phone number and other contact information shall be placed at a prominent place on the existing Main Building. The Zoning Administrator may extend the period for constructing the single- family structure beyond three years if the Applicant shows can show a reasonable basis for the need for the extension.

Fire Management. The Applicant shall comply with the Fire Management Plan as approved by the Fire Chief for Cedar Area Fire and Rescue and made part of this approval. Fire extinguishers shall be located at the main campground office as well as at appropriate locations throughout the campground area.

No public or semi-public events. No public or semi-public events are permitted on the Property, other than the camping activity at the campsites.

Fencing and Perimeter Plan. The fencing and perimeter plan is approved pursuant to the Site Plan and amendments including the woven fence on the south and west sides of the Property adjacent to the open field.

Term of Permit. The term of this Special use Permit shall be two years.

Modifications or Amendment. Pursuant to the Zoning Enabling Act (Public Act 110 of 2006), as amended, the conditions imposed under this permit shall remain unchanged except upon the mutual agreement, in writing, of the Planning Commission and Lively Holdings, LLC.

Date of execution and effective date:

Gerald Rousch, Chairperson
Kasson
Township Planning Commission

Chuck Schaeffer, Secretary, Kasson
Township Planning Commission